

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Mikio AOKI, Shinya TANIGUCHI

Application No.: Continuation of PCT/JP00/07718

Filed: June 28, 2001

Docket No.: 109953

For: DATA OUTPUT CONTROL APPARATUS

**PRELIMINARY AMENDMENT**

Director of the U.S. Patent and Trademark Office  
Washington, D. C. 20231

Sir:

Prior to initial examination, please amend the above-identified application as follows:

**IN THE CLAIMS:**

Please replace claims 3-4 and 7-8 as follows:

3. (Amended) A data output control apparatus according to Claim 1, characterized in that said output means outputs billing data, indicating the result of billing by said billing means, to said portable terminal.

4. (Amended) A data output control apparatus according to Claim 1, wherein said communications charge is calculated as a fixed charge until the communications time of said portable terminal exceeds a predetermined time,

characterized in that until the sum of a communications time in accordance with said service charge and the actual communications time of said portable terminal exceeds said predetermined time, said billing means does not add said service charge to said communications charge while adding the communications time in accordance with said service charge to said actual communications time.

7. (Amended) A data output control apparatus according to Claim 5, characterized in that said output means outputs billing data, indicating the result of billing by said billing means, to said portable terminal.

8. (Amended) A data output control apparatus according to Claim 5, wherein said communications charge is calculated as a fixed charge until the communications time of said portable terminal exceeds a predetermined time,

characterized in that until the sum of a communications time in accordance with said service charge and the actual communications time of said portable terminal exceeds said predetermined time, said billing means does not add said service charge to said communications charge while adding the communications time in accordance with said service charge to said actual communications time.

Please add new claims 9-14 as follows:

--9. A data output control apparatus according to Claim 2, characterized in that said output means outputs billing data, indicating the result of billing by said billing means, to said portable terminal.--

--10. A data output control apparatus according to Claim 2, wherein said communications charge is calculated as a fixed charge until the communications time of said portable terminal exceeds a predetermined time,

characterized in that until the sum of a communications time in accordance with said service charge and the actual communications time of said portable terminal exceeds said predetermined time, said billing means does not add said service charge to said communications charge while adding the communications time in accordance with said service charge to said actual communications time.--

--11. A data output control apparatus according to Claim 3, wherein said communications charge is calculated as a fixed charge until the communications time of said portable terminal exceeds a predetermined time,

characterized in that until the sum of a communications time in accordance with said service charge and the actual communications time of said portable terminal exceeds said predetermined time, said billing means does not add said service charge to said communications charge while adding the communications time in accordance with said service charge to said actual communications time.--

--12. A data output control apparatus according to Claim 6, characterized in that said output means outputs billing data, indicating the result of billing by said billing means, to said portable terminal.--

--13. A data output control apparatus according to Claim 6, wherein said communications charge is calculated as a fixed charge until the communications time of said portable terminal exceeds a predetermined time,

characterized in that until the sum of a communications time in accordance with said service charge and the actual communications time of said portable terminal exceeds said predetermined time, said billing means does not add said service charge to said communications charge while adding the communications time in accordance with said service charge to said actual communications time.--

--14. A data output control apparatus according to Claim 7, wherein said communications charge is calculated as a fixed charge until the communications time of said portable terminal exceeds a predetermined time,

characterized in that until the sum of a communications time in accordance with said service charge and the actual communications time of said portable terminal exceeds said predetermined time, said billing means does not add said service charge to said communications charge while adding the communications time in accordance with said service charge to said actual communications time.--

REMARKS

Claims 1 - 14 are pending. By this Preliminary Amendment, claims 3-4 and 7-8 are amended to remove multiple dependencies. Claims 9-14 are added to compensate for the material deleted from claims 3-4 and 7-8. Prompt and favorable examination on the merits is respectfully requested.

The attached Appendix includes marked-up copies of each rewritten claim (37 C.F.R. 1.121(c)(1)(ii)).

Respectfully submitted,



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## APPENDIX

## Changes to Claims:

Claims 9-14 are added.

The following are marked-up versions of the amended claims:

3. (Amended) A data output control apparatus according to ~~one of~~ Claims 1 ~~and~~ 2, characterized in that said output means outputs billing data, indicating the result of billing by said billing means, to said portable terminal.

4. (Amended) A data output control apparatus according to ~~one of~~ Claims 1 ~~to~~ 3, wherein said communications charge is calculated as a fixed charge until the communications time of said portable terminal exceeds a predetermined time,

characterized in that until the sum of a communications time in accordance with said service charge and the actual communications time of said portable terminal exceeds said predetermined time, said billing means does not add said service charge to said communications charge while adding the communications time in accordance with said service charge to said actual communications time.

7. (Amended) A data output control apparatus according to ~~one of~~ Claims 5 ~~and~~ 6, characterized in that said output means outputs billing data, indicating the result of billing by said billing means, to said portable terminal.

8. (Amended) A data output control apparatus according to ~~one of~~ Claims 5 ~~to~~ 7, wherein said communications charge is calculated as a fixed charge until the communications time of said portable terminal exceeds a predetermined time,

characterized in that until the sum of a communications time in accordance with said service charge and the actual communications time of said portable terminal exceeds said predetermined time, said billing means does not add said service charge to said communications charge while adding the communications time in accordance with said service charge to said actual communications time.